

Los Angeles Regional Water Quality Control Board

NOTICE OF PROPOSED ISSUANCE OF TIME SCHEDULE ORDER FOR LOS ANGELES COUNTY MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (ORDER NO. R4-2012-0175; NPDES PERMIT NO. CAS004001)

<u>DISCHARGER</u>	<u>DISCHARGE LOCATION</u>	<u>RECEIVING WATER</u>
County of Los Angeles (Marina del Rey Harbor)	MS4 outfalls to Basins D, E, and F Los Angeles, California	Marina del Rey Harbor (Santa Monica Bay WMA)
Los Angeles County Flood Control District (Marina del Rey Harbor)	MS4 outfalls to Basins E and F Los Angeles, California	Marina del Rey Harbor (Santa Monica Bay WMA)
City of Los Angeles (Marina del Rey Harbor)	MS4 outfalls to Basin E (only) Los Angeles, California	Marina del Rey Harbor (Santa Monica Bay WMA)

The County of Los Angeles (County), the Los Angeles County Flood Control District (LACFCD), and the City of Los Angeles (City) discharge both storm water and non-storm water into receiving waters in the Santa Monica Bay Watershed Management Area (WMA), which are waters of the State of California and the United States. The Santa Monica Bay WMA includes the Marina del Rey subwatershed. This discharge is regulated under waste discharge requirements contained in the Los Angeles County municipal separate storm sewer system (MS4) Permit (Order No. R4-2012-0175) adopted by the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) on November 8, 2012. The Los Angeles County MS4 Permit also serves as a permit under the National Pollutant Discharge Elimination System (NPDES No. CAS004001).

On August 7, 2003, the Los Angeles Water Board adopted the Marina del Rey Harbor Mothers' Beach and Back Basins Bacteria Total Maximum Daily Load (TMDL). The TMDL established wasteload allocations (WLAs) for bacteria in MS4 discharges, including those from the County's, the LACFCD's, and the City's drainage areas. The TMDL's implementation plan required achievement of the dry weather wasteload allocations by March 18, 2007. On June 7, 2012, the Los Angeles Water Board revised the TMDL, which changed the WLAs assigned to MS4 discharges, expressed as annual allowable exceedance days of the single sample objectives, during the winter dry-weather period and further changed the final implementation deadline for the geometric mean WLAs during dry weather from March 18, 2007 to July 15, 2021.¹

¹ The State Water Resources Control Board approved the revisions to the TMDL on March 19, 2013, and the Office of Administrative Law approved them on November 7, 2013. The revisions to the TMDL are not effective as of the date of this notice since the United States Environmental Protection Agency (USEPA) has not yet approved the TMDL revisions pursuant to Clean Water Act section 303(d). The Los Angeles Water Board anticipates USEPA's approval in May 2014, which is before the Board is expected to consider the tentative TSO at a public hearing. Accordingly, the draft tentative TSO is written assuming that the TMDL revisions are effective.

The Los Angeles County MS4 Permit includes new water quality-based effluent limitations and corresponding revised receiving water limitations for bacteria to implement the WLAs established in the TMDL. Pursuant to Part VI.E.4 of the Los Angeles County MS4 Permit, Permittees that anticipate that additional time is necessary to comply with the water quality-based effluent limitations and/or receiving water limitations for State adopted TMDLs where the final compliance deadlines have passed may request a time schedule order (TSO) pursuant to Water Code section 13300 for the Board's consideration.

The County, the LACFCD, and the City had anticipated that their implementation of low-flow diversions, bio-retention filters, and non-structural best management practices (BMPs) would be sufficient to meet the TMDL dry-weather WLAs for Marina Beach and Back Basins D, E, and F. Despite these efforts, some areas adjacent to Marina Beach and Back Basins D, E, and F continue to exceed the water quality-based effluent limitations and/or the receiving water limitations for bacteria at frequencies above that allowed in the Los Angeles County MS4 Permit.

On December 24, 2012, the County and LACFCD jointly submitted a letter to the Los Angeles Water Board requesting a TSO pursuant to Water Code section 13300 to provide time for the County and LACFCD to implement structural BMPs to control the discharge of bacteria from their MS4s to Marina Beach and Back Basins D, E, and F in order to comply with the new bacteria water quality-based effluent limitations and the corresponding revised receiving water limitations applicable during dry weather.

On December 24, 2012, the City submitted a letter to the Los Angeles Water Board requesting a TSO pursuant to Water Code section 13300 to provide time for the City to take additional actions individually or in coordination with other permittees to control the discharge of bacteria from its MS4 to Basin E in order to comply with the new bacteria water quality-based effluent limitations and the corresponding revised receiving water limitations applicable during dry weather.

On the basis of preliminary staff review, the Los Angeles Water Board tentatively proposes to issue the County, the LACFCD, and the City a watershed TSO, which includes interim water quality-based effluent limitations and corresponding interim receiving water limitations and a time schedule to bring the County's, the LACFCD's, and the City's MS4 discharges into compliance with the final water quality-based effluent limitations and corresponding final receiving water limitations for total coliform, fecal coliform, and *enterococcus* during dry weather.

PUBLIC HEARING DATE AND LOCATION

The Los Angeles Water Board is scheduled to hold a public hearing to receive comments and evidence, and consider adoption of, the tentative TSO at its regularly scheduled meeting on:

Date: July 10, 2014
Time: 9:00 a.m.
Place: Metropolitan Water District of Southern California (Board Room)
700 North Alameda Street
Los Angeles, CA 90012

Interested persons are invited to attend the hearing and present oral comments. Oral comments are generally limited to 3 minutes each, but time limitations may be adjusted at the discretion of the Chair, depending on the number of persons wishing to be heard. Interested persons seeking

more than 3 minutes to present oral comments at the hearing must contact the Los Angeles Water Board staff contact identified below **no later than July 1, 2014** to request additional time.

Please check the Board's website (<http://www.waterboards.ca.gov/losangeles/>) for the most up-to-date public hearing date and location as they are subject to change. If there is not a quorum on the scheduled date of the public hearing, all items will be automatically continued to the next scheduled meeting. A continuance of the hearing will not automatically extend any deadlines set forth in this notice.

SCOPE OF HEARING

The requirements of the Los Angeles County MS4 Permit are not at issue before the Los Angeles Water Board in this proceeding. Evidence or argument that challenges the validity of those requirements, or any aspects of them, will not be permitted nor responded to. The only matter before the Board is consideration of a tentative TSO for the County of Los Angeles, the Los Angeles County Flood Control District, and the City of Los Angeles.

AVAILABILITY OF DOCUMENTS

The draft tentative TSO and other information and documents relied upon are posted on the Los Angeles Water Board's website at:

http://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/index.shtml. These documents are also available for inspection and copying between the hours of 8:00 a.m. and 4:30 p.m. at the following address:

California Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Arrangements for file review and/or obtaining copies of documents may be made by calling the Los Angeles Water Board at (213) 576-6600. Appointments are encouraged so the documents can be readily available upon arrival. Comments and responses to comments and other subsequent relevant documents will be available online as they are generated.

WRITTEN COMMENTS AND SUBMITTAL OF EVIDENCE

Persons wishing to comment on the draft tentative TSO, or submit evidence for the Los Angeles Water Board to consider, are invited to submit them in writing. To be evaluated and responded to by Los Angeles Water Board staff, included in the Los Angeles Water Board's agenda binder, and fully considered by the Los Angeles Water Board members in advance of the hearing, all written comments and evidence must be received at the Los Angeles Water Board office by **5:00 PM on June 23, 2014**. Failure to comply with these requirements is grounds for the Los Angeles Water Board to refuse to admit the proposed written comment or exhibit into evidence pursuant to section 648.4, Title 23 of the California Code of Regulations. Written comments submitted through email are requested to be transmitted in Microsoft Word format.

Interested persons are encouraged to submit comments electronically. Send comments by email to: losangeles@waterboards.ca.gov. Please indicate in the subject line, "Comment Letter – LA County MS4 Permit, Marina del Rey Bacteria TSO." Written comments submitted through

email are requested to be transmitted in Microsoft Word format. Written comments sent by mail should be addressed to:

California Regional Water Quality Control Board
Los Angeles Region
ATTN: Rebecca Christmann
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

EX PARTE COMMUNICATIONS PROHIBITED

Parties and interested persons are forbidden from engaging in *ex parte* communications regarding this matter with members of the Los Angeles Water Board. An *ex parte* communication is a communication not authorized in the California Government Code, to a Los Angeles Water Board member from any person, about a pending matter, that occurs in the absence of other parties and without notice and opportunity for the parties to respond. The California Government Code generally prohibits the board members from engaging in *ex parte* communications during permitting, enforcement, or other “quasi-adjudicatory” matters. The Los Angeles Water Board members may not discuss the tentative TSO with any person, except during the public hearing described in this notice.

LOS ANGELES WATER BOARD STAFF CONTACT

Communications with the Los Angeles Water Board prior to the hearing should be directed to:

Rebecca Christmann
Phone: (213) 576-6786
Email: Rebecca.Christmann@waterboards.ca.gov.

Date: May 23, 2014